

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 11965 of 2005

Between:

The Navodaya Educational Society Rep. by its Secretary/Correspondent
Ch.Satish S/o.Ch.Ramulu R/o.Thorrur., Warangal District.

..... PETITIONER

AND

1 The Government of A.P.Rep by its Principal Secretary to Government,

School Education, Secretariat Bldgs, Hyderabad.

2 The Commissioner and Director of School Education, Saifabad,

Hyderabad.

3 National Council of Teacher education rep by its Regional Director

C.S.D Building, Jalahalli, Bangalore Karnataka State.

4 The District Educational Officer Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more on in the nature of writ of mandamus declaring the Government Memo No.1675/Trg-1/2004 dt.12.6.2004 and consequential proceedings of the 2nd respondent in Rc.No.2490/N2-2/04-03 dt.22.6.2004 as illegal and void and further declare that the 1st respondent deemed to have issue no objection certificate to the petitioner society for establishing a B.Ed., College at Thorruru, Warangal District as per the notification Rc.No.2490/N2/2003 dt.1.12.2003 and consequently direct the 3rd respondent to accord recognition to the petitioner society to start a B.Ed., College at Thorruru, Warangal District.

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following:

ORDER:

-

This writ petition is filed by the petitioner seeking a writ of Mandamus declaring the Government Memo No.1675/Trg-1/2004 dated 12-06-2004 and consequential proceedings of the second respondent in Rc.No.2490/N2-2/04-03 dated 22-06-2004 as illegal and void and further declare that the first respondent deemed to have issued no objection certificate to the petitioner society for establishing a B.Ed., College at Thorruru, Warangal District as per the notification Rc.No.2490/N2/2003 dated 01-12-2003 and consequently direct the third respondent to accord recognition to the petitioner society to start a B.Ed., College at Thorruru, Warangal District.

2. According to the petitioner, the State Government issued a notification dated 01-12-2003 calling for applications for starting B.Ed., Colleges for the academic year 2004-2005. Pursuant to the said notification, the petitioner made its application. It is stated that while the application of the petitioner was under the process of consideration, the first respondent issued the impugned proceedings dated 12-06-2004, directing the second respondent to cancel the notification dated 01-12-2003, and consequential proceedings were issued by the second respondent dated 22-06-2004 cancelling the said notification. According to the petitioner, as he has complied with all the requirements for issuance of No Objection Certificate, the respondents are obligated to issue the same. It is also stated that a similar issue has come up for consideration before this Court in W.P.No.10653 of 2004 dated 12-04-2005 in the case of **The Mahalakshmi Devi Education Society v. The Government of A.P.**, where a learned Single Judge of this Court held that the action of the respondents 1 and 2 is illegal, and therefore, set aside the same and the third respondent was even directed to consider the application of the petitioner therein in accordance with law.

3. Heard the learned counsel for the petitioner and the learned Government

Pleader.

4. It is conceded even by the learned Government Pleader that the issue is covered by the judgment of this Court, but stated that the respondent filed an appeal, which is yet to come up for admission. The petitioner is on par with the other petitioners where the impugned orders of the respondents 1 and 2 are set aside and a direction was given to the third respondent.

5. In view of the above facts and circumstances of the case, the impugned proceedings of the respondents 1 and 2 are set aside and the 1st respondent is directed to consider the application of the petitioner for issuing no objection certificate.

6. Accordingly, the writ petition is disposed of. No order as to costs.

15th June, 2005, S.ANANDA REDDY, J

Note:

Furnish C.C. within three days.

B/o.

SKM

To

1 The Secretary, Government of Andhra Pradesh, School

Education, Secretariat, Hyderabad.

2 The Commissioner & Director of School Education, Andhra Pradesh,

Saifabad, Hyderabad.

3 The Regional Director,

National Council of Teacher Education,

C.S.D Building, Jalahalli, Bangalore Karnataka State.

4 The District Educational Officer, Warangal.

5. Two CCs to the G.P for School Education,
High Court Buildings, High Court of A.P.,
Hyderabad.

6. 2 CD copies

*Form-NIC-OGS/WP{**MPL**}*